UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/898,908	07/03/2001	Johannes W.F. Majoor	ISAA0030	9572

7590   11/16/2004

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EXAMINER
HIRL, JOSEPH P

ART UNIT	PAPER NUMBER
2121	

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>23 August 2004</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-14</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-14</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>03 January 2002</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   This Office Action is in response to a Request for Continuing Examination (RCE)

entered August 23, 2004, for the patent application 09/898,908 filed on July 3, 2001.

2.   All prior office actions are fully incorporated into this office action by reference.

Status of Claims

3.   Claims 1-14 are pending.

First Action is Final

4.   Applicant submitted an RCE with no amendments. Para 11. below applies.

Consequently it is proper to reject the applicant's response and make this office action

final.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

6.   Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by

Fehskens et al, referred to as USP 6,438,591).

Claims 1, 8

Fehskens anticipates operating a rules server, wherein said rules server

comprises a rulebase, wherein said rulebase comprises one or more rules (**Fehskens**,

c 7, l 6-23; Fig. 1B; Fig. 10A; c41, l 14; Examiner's Note (EN): servers are computers);

associating at least one rule of said one or more rules with a start time and an end time

(**Fehskens**, Fig. 10B; c 41, l 54-59); receiving a transaction request for a transaction

(**Fehskens**, c 41, l 4); determining a transaction time for said transaction request

(**Fehskens**, c 41, l 54-59); and determining a set of one or more effective for said

transaction request, from said at least one rule of said one more rules associated with

said start time and start end time, wherein said transaction time for said transaction

request is after said start time associated with each of said set of one or more effective

rules, and said transaction time for said transaction request is before said end time

associated with each of said one or more effective rules (**Fehskens**, c 41, l 54-59; EN: a

time function axiomatically has a start and end time); wherein said rulebase is

configured to comprise one or more versions of a rule (**Fehskens**, c 41, l 13-14); and

wherein if said one or more effective rules changes before said transaction is complete,

then a most recent set of effective rules is used by said rule server (**Fehskens**, c 41, l

39-53; EN: rules have expression portions which can evaluate to a logical false

condition under typical conditions; however, under other conditions, such expression

may evaluate to a logical true where an alarm condition exists and a predefined or

recent rule becomes active).

Claims 2, 9

Fehskens anticipates processing said transaction request with said set of one or

more effective rules (**Fehskens**, c 41, l 54-59).

Claims 3, 10

Fehskens anticipates determining a transaction time for said transaction request

is performed once each time said transaction request is received (**Fehskens**, c 41, l 26-

37).

Claims 4, 11

Fehskens anticipates determining a transaction time for said transaction request

is performed repeatedly after a specified length of time (**Fehskens**, c 41, l 26-37; EN:

digital signals are time series and it would follow that a determination of transaction time

would be repeated at each delta spacing between signals of the time series).

Claims 5, 12

Fehskens anticipates rulebase contains one or more rules that are not in

said set of one or more effective rules (**Fehskens**, c 41, l 11-25; EN: for a given

transaction alarm, other situations that were not active would not initiate request and the

associated rules would not be in the subject set).

Claims 6, 13

Fehskens anticipates start time and said end time is specified by an

administrator through a graphical user interface (**Fehskens**, c 41, I 60-62; EN: to one of

ordinary skill in the arts, GUI interfaces are appropriate to standard I/O).

Claims 7, 14

Fehskens anticipates transaction time is determined by an administrator

(**Fehskens**, c 42, I 2-3).

Response to Arguments

7.   Applicant's arguments filed on August 23, 2004 related to Claims 1-14 have been

fully considered but are not persuasive.

In reference to Applicant's argument:

Applicant respectfully points out to the Examiner that the above statement does not demonstrate that the
prior art of reference teaches wherein if said one or more effective rules changes before said transaction
is complete, then a most recent set of effective rules is used by said rule server: At most, the prior art of
reference states in (c 41, 1.39-53) that an alarm rule includes a condition portion, which includes an
expression portion, and that the condition portion evaluates to either a logical TRUE or a logical FALSE,
and that if the condition portion evaluates to a logical TRUE, an alarm condition exists. Again, no where
does Fehskens teach or contemplate "wherein if said one or more effective rules changes before said
transaction Is complete, then a most recent set of effective rules is used by said rule server".

Examiner's response:

Para 10. applies. Specifically, if a condition exists whereby an alarm is to be

executed, such alarm, properly functioning, will execute indicating an abnormal

condition or condition that is removed from the quiescent state.   When the situation

returns to the quiescent state, there is no need for an alarm and the alarm is

deactivated. This genetic function of alarm activation/deactivation is represented by the applicant's claim 1 " ... wherein if said one or more effective rules changes before said transaction is complete, then a most recent set of effective rules is used by said rule server. " The initial set of rules set the alarm which can be "timed out" (Fehskens, Fig. 10B, condition 210 with time element 216) and if the conditions for such activation cease before the "timed out" condition, then the situation reverts back to its original or quiescent state governed by the rules for such quiescent state, which are the original rules. Fehskens (@ c 40, I 60-67; c41, I 1-67; C42, I 1-7) identifies an alarm system that detects conditions and sets an alarm under a logical true evaluation. Transaction is merely the "timed out" or non quiescent period. To one of ordinary skill in the art, the converse follows of returning to the quiescent state under a logical false evaluation as the only other alternative.

Examination Considerations

8.   The claims and only the claims form the metes and bounds of the invention. "Office personnel are to give the claims their broadest reasonable interpretation in light of the supporting disclosure. *In re Morris,* 127 F.3d 1048, 1054-55, 44USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. *In re Prater,* 415 F.2d, 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969)" (MPEP p 2100-8, c 2, I 45-48; p 2100-9, c 1, I 1-4). The Examiner has full latitude to interpret each claim in the broadest reasonable sense.

Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

9.   Examiner's Notes are provided to assist the applicant to better understand the nature of the prior art, application of such prior art and, as appropriate, to further indicate other prior art that maybe applied in other office actions. Such comments are entirely consistent with the intent and spirit of compact prosecution. However, and unless otherwise stated, the Examiner's Notes are not prior art but a link to prior art that one of ordinary skill in the art would find inherently appropriate.

10.   Examiner's Opinion: Paras 8. and 9. apply. The Examiner has full latitude to interpret each claim in the broadest reasonable sense.

Conclusion

11.   This is a continuation of applicant's earlier Application No. 09/898,908. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

12.   A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no, however, event will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

13.   Claims 1-14 are rejected.

Correspondence Information

14.   Any inquiry concerning this information or related to the subject disclosure

should be directed to the Examiner, Joseph P. Hirl, whose telephone number is

(571) 272-3685. The Examiner can be reached on Monday – Thursday from

6:00 a.m. to 4:30 p.m.

If attempts to reach the Examiner by telephone are unsuccessful, the

Examiner's supervisor, Anthony Knight can be reached at (571) 272-3687.

Any response to this office action should be mailed to:

Commissioner of Patents and Trademarks,

Washington, D. C. 20231;

or faxed to:

    (571) 273-3685 (for formal communications intended for entry with notation of

"Formal Entry");

or faxed to:

    (571) 273-3685 (for informal or draft communications with notation of

"Proposed" or "Draft" for the desk of the Examiner).

Joseph P. Hirl

November 10, 2004

Anthony Knight
Supervisory Patent Examiner
Group 3600